TITLE 865 STATE BOARD OF REGISTRATION FOR LAND SURVEYORS

Proposed Rule

LSA Document #09-270

DIGEST

Adds <u>865 IAC 1-15</u> to establish the continuing education requirements for registered land surveyors, to establish the requirements for continuing education providers, and to establish the requirements and procedures for distance learning continuing education providers and registered land surveyors. Repeals <u>865 IAC 1-13-1</u>, <u>865 IAC 1-13-2</u>, <u>865 IAC 1-13-3</u>, <u>865 IAC 1-13-4</u>, <u>865 IAC 1-13-5</u>, <u>865 IAC 1-13-6</u>, <u>865 IAC 1-13-7</u>, <u>865 IAC 1-13-14</u>, <u>865 IAC 1-13-15</u>, <u>865 IAC 1-13-16</u>, <u>865 IAC 1-13-16</u>, <u>865 IAC 1-13-17</u>, <u>865 IAC 1-13-18</u>, <u>865 IAC 1-13-19</u>, <u>865 IAC 1-14-1</u>, <u>865 IAC 1-14-19</u>. Effective 30 days after filing with the Publisher.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

865 IAC 1-13-1; 865 IAC 1-13-2; 865 IAC 1-13-3; 865 IAC 1-13-4; 865 IAC 1-13-5; 865 IAC 1-13-6; 865 IAC 1-13-7; 865 IAC 1-13-8; 865 IAC 1-13-9; 865 IAC 1-13-10; 865 IAC 1-13-11; 865 IAC 1-13-12; 865 IAC 1-13-13; 865 IAC 1-13-14; 865 IAC 1-13-15; 865 IAC 1-13-16; 865 IAC 1-13-17; 865 IAC 1-13-18; 865 IAC 1-13-19; 865 IAC 1-14-1; 865 IAC 1-14-2; 865 IAC 1-14-3; 865 IAC 1-14-4; 865 IAC 1-14-5; 865 IAC 1-14-6; 865 IAC 1-14-7; 865 IAC 1-14-8; 865 IAC 1-14-9; 865 IAC 1-14-10; 865 IAC 1-14-11; 865 IAC 1-14-12; 865 IAC 1-14-13; 865 IAC 1-14-14; 865 IAC 1-14-15; 865 IAC 1-14-16; 865 IAC 1-14-17; 865 IAC 1-14-18; 865 IAC 1-14-19; 865 IAC 1-14-15

SECTION 1. 865 IAC 1-15 IS ADDED TO READ AS FOLLOWS:

Rule 15. Continuing Education

865 IAC 1-15-1 Continuing education

Authority: IC 25-1-4-8; IC 25-21.5-2-14; IC 25-21.5-8-7 Affected: IC 25-1-4-5; IC 25-1-4-6; IC 25-1-11; IC 25-21.5

Sec. 1. (a) This rule establishes the continuing education requirements for registered land surveyors.

(b) Failure to comply with this rule may subject the registered land surveyor to action under <u>IC 25-1-4-5</u> and <u>IC 25-1-4-6</u>.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-1)

865 IAC 1-15-2 Continuing education requirements

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5

- Sec. 2. (a) Registered land surveyors must complete a minimum of twenty-four (24) hours of continuing education in order to qualify for the biennial renewal of the land surveyor's license in an active status. The twenty-four (24) hours of continuing education requirement must include both of the following:
 - (1) A minimum of six (6) continuing education hours in mandatory topics as defined in section 6 of this
 - (2) A minimum of eighteen (18) continuing education hours in elective topics as defined in section 7 of this rule.

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- (b) New registrants are not required to comply with the continuing education requirements stated in subsection (a) at the first renewal of his or her license.
- (c) No single elective course may count for more than twelve (12) hours of continuing education. Hours in excess of twelve (12) granted for any single elective course shall not be applied to the hours of continuing education required in the renewal period except as otherwise allowed under subsection (f).
- (d) College courses taken after licensure that qualify for continuing education credit under section 5 of this rule will be counted as follows:
 - (1) Ten (10) hours of continuing education credit per credit hour taken in a quarter system.
- (2) Fifteen (15) hours of continuing education credit per credit hour taken in a semester system. However, college credit earned under this section and applied as elective continuing education hours must comply with the requirements of subsection (c).
- (e) Up to four (4) hours of elective continuing education topics earned, but not used, in one (1) renewal period may be applied to the hours required in the next renewal period. Proper documentation of any such hours shall be submitted as required by the board.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-2)

865 IAC 1-15-3 Length of instruction hour; length of course

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 3. (a) One (1) hour of continuing education must contain at least fifty (50) minutes of instruction.

(b) A continuing education course shall be a minimum of one (1) hour of instruction.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-3)

865 IAC 1-15-4 Credit for instructors

Authority: <u>IC 25-21.5-2-14</u>; <u>IC 25-21.5-8-7</u>

Affected: IC 25-21.5

- Sec. 4. (a) Two (2) hours of continuing education credit will be granted per hour of time spent as a lecturer, instructor, or discussion leader in a continuing education course that meets the requirements of sections 5 through 7 of this rule.
- (b) Continuing education credit as provided for under subsection (a) will be granted only the first time an approved course is presented per biennium.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-4)

865 IAC 1-15-5 Continuing education topics

Authority: IC 25-1-4-8; IC 25-21.5-2-14; IC 25-21.5-8-7 Affected: IC 25-1-4-0.2; IC 25-1-4-0.5; IC 25-21.5

- Sec. 5. (a) To qualify as continuing education under this rule as provided for in <u>IC 25-1-4-0.5</u>, a course must be an orderly process of instruction that is:
 - (1) approved by an approved organization (as defined by IC 25-1-4-0.2) or the board; and
 - (2) designed to directly enhance the land surveyor's knowledge and skill in providing land surveying services relevant to the profession of land surveying.

(b) Qualifying continuing education courses are categorized either as mandatory under section 6 of this rule or elective under section 7 of this rule.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-5)

865 IAC 1-15-6 Mandatory topics

Authority: IC 25-1-4-8; IC 25-21.5-2-14; IC 25-21.5-8-7 Affected: IC 25-1-4-0.5; IC 25-1-11; IC 25-21.5-1-7

Sec. 6. The following topics and course content are defined as mandatory by the board in qualifying as continuing education under IC 25-1-4-0.5 and section 5 of this rule:

- (1) 865 IAC 1-10, rules of professional conduct.
- (2) 865 IAC 1-12, if taught in a comprehensive manner.
- (3) 865 IAC 1-12-3, surveyor responsibility.
- (4) 865 IAC 1-12-7, measurements for retracement surveys, original surveys, and route surveys.
- (5) 865 IAC 1-12-11, surveyor conclusions in retracement surveys.
- (6) 865 IAC 1-12-12, publication of retracement and original survey results.
- (7) 865 IAC 1-12-13, retracement and original survey plats.
- (8) 865 IAC 1-12-20 through 865 IAC 1-12-25, route surveys.
- (9) 865 IAC 1-12-27 through 865 IAC 1-12-29, surveyor location reports.
- (10) 865 IAC 1-12-30, section corner perpetuation.
- (11) IC 25-21.5, Indiana land surveyor's registration act.
- (12) IC 25-21.5-1-7(a)(4), the preparation of legal descriptions for tracts of land to be used in the preparation of deeds of conveyance or other instruments.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-6)

865 IAC 1-15-7 Elective topics

Authority: <u>IC 25-1-4-8</u>; <u>IC 25-21.5-2-14</u>; <u>IC 25-21.5-8-7</u> Affected: <u>IC 25-1-4-0.5</u>; <u>IC 25-1-11</u>; <u>IC 25-21.5</u>

Sec. 7. The following topics and course content are defined as elective by the board in qualifying as continuing education under <u>IC 25-1-4-0.5</u> and section 5 of this rule:

- (1) Mandatory topics as defined in section 6 of this rule.
- (2) College level mathematics.
- (3) College level physical sciences.
- (4) Federal and state laws, rules, regulations, and practices pertaining to the following:
 - (A) The establishment or reestablishment of land boundaries in Indiana.
 - (B) The practice of land surveying in Indiana.
- (5) The design, planning, and platting of subdivisions.
- (6) Preparation of plans and profiles for:
 - (A) roads:
 - (B) storm drainage; and
 - (C) sanitary sewer extensions:

in subdivisions.

- (7) The ethical, economic, and legal principles that pertain to the practice of land surveying.
- (8) Topographic and hydrographic surveying.
- (9) Construction layout.
- (10) Remote data acquisition systems, such as the following:
 - (A) Photogrammetry.
 - (B) LiDAR.
 - (C) Remote sensing.
- (11) Surveying applications, such as the following:
 - (A) GIS.
 - (B) LIS.

- (12) Advanced surveying procedures and equipment, such as the following:
 - (A) GPS.
 - (B) Laser scanning.
- (13) Computer applications for land surveyors.
- (14) Communication, such as the following:
 - (A) Public speaking.
 - (B) Technical writing.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-7)

865 IAC 1-15-8 Distance learning requirements

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5

Sec. 8. (a) Up to twelve (12) hours of the continuing education credits required under this rule may be obtained by distance learning methods.

- (b) For a distance learning course to be acceptable to the board, it must:
- (1) meet the requirements of sections 5 through 7 of this rule;
- (2) be presented or otherwise formatted in a logical order and may make use of a variety of media or delivery techniques, including:
 - (A) printed materials;
 - (B) video or DVD;
 - (C) live broadcast; or
 - (D) the Internet;
- (3) include, at the end of the course, an examination that is graded by the provider;
- (4) be completed within one (1) year of enrollment in the course; and
- (5) provide for confirmation of successful completion of the course by the provider.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-8)

865 IAC 1-15-9 Approval of courses

Authority: IC 25-1-4-8; IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-4-0.2; IC 25-1-11; IC 25-21.5

Sec. 9. (a) A course qualifies for continuing education credit if it:

- (1) meets the requirements of sections 5 through 7 of this rule;
- (2) if the course is a distance learning course, meets the requirements of section 8 of this rule; and
- (3) either is approved by:
 - (A) an approved organization as defined in IC 25-1-4-0.2; or
 - (B) the board under subsection (b) or (c).
- (b) A course provider that is not approved by an approved organization as defined in IC 25-1-4-0.2 may request specific board approval of a continuing education course by submitting on a form provided by the board the following information:
 - (1) A course outline demonstrating that the course content meets the requirements of sections 5 through 7 of this rule.
 - (2) The name and address of the provider.
 - (3) The telephone number of a contact person for the provider.
 - (4) The name and address of each instructor.
 - (5) Biographical information for each instructor sufficient to demonstrate their qualifications to competently teach the course as provided for in section 12 of this rule.
 - (6) The number of mandatory or elective hours being requested for approval.
 - (7) The student evaluation form for evaluations under section 24 of this rule.

- (c) A registered land surveyor may request specific board approval of any continuing education course by submitting course material. The following information must be provided:
 - (1) The following information about the course:
 - (A) The course title.
 - (B) The course outline or a description demonstrating that the course content meets the requirements of section 5 of this rule and section 6 or 7 of this rule.
 - (C) The location where the course was taught.
 - (D) The date the course was taught.
 - (E) The name, telephone number, and address of the provider.
 - (F) The name and address of each instructor.
 - (G) Biographical information for each instructor sufficient to demonstrate their qualifications to competently teach the course content as provided for in section 11 of this rule.
 - (2) The name and license number of the registered land surveyor requesting approval.
 - (3) A certified statement signed by the registered land surveyor stating that the entire course was completed.
 - (4) The number of mandatory or elective hours as defined in section 6 or 7 of this rule being requested for approval.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-9)

865 IAC 1-15-10 Proof of course completion

Authority: <u>IC 25-21.5-2-14</u>; <u>IC 25-21.5-8-7</u> Affected: <u>IC 25-1-4-3</u>; <u>IC 25-1-11</u>; <u>IC 25-21.5</u>

Sec. 10. (a) The registered land surveyor is responsible for obtaining the evidence necessary to demonstrate that:

- (1) any course for which continuing education credit will subsequently be claimed was completed; and
- (2) the course met the requirements of this rule.
- (b) The registered land surveyor shall retain the evidence required in subsection (a) for not less than three (3) years as provided for in IC 25-1-4-3(a)(2).

(State Board of Registration for Land Surveyors; 865 IAC 1-15-10)

865 IAC 1-15-11 Ineligible instructor candidates

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

- Sec. 11. (a) This section applies to board approval of continuing education courses under section 9(b) of this rule.
- (b) Anyone whose professional license or certification is under sanction in any jurisdiction may not instruct while the disciplinary sanction is in effect.
- (c) Anyone who does not have an advanced knowledge of the course material being taught may not instruct.

(State Board of Registration for Land Surveyors; <u>865 IAC 1-15-11</u>)

865 IAC 1-15-12 Continuing education credit not given

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5

Sec. 12. Credit will not be given for any of the following:

- (1) Any education obtained before licensure.
- (2) Motivational classes or seminars.
- (3) Meetings of the board.
- (4) Business, social, or other noneducational meetings of professional groups, or subgroups, such as the Indiana Society of Professional Land Surveyors.
- (5) Committee work with local, state, or national professional organizations.
- (6) Staff meetings.
- (7) Courses taken for a second or subsequent time during a renewal period.
- (8) Courses not completed due to dismissal by the provider for disruption of the course.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-12)

865 IAC 1-15-13 Inactive status

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 13. (a) Registered land surveyors may apply to the board to renew their licenses in an inactive status.

- (b) No continuing education is required to renew inactive.
- (c) An inactive registered land surveyor may not practice land surveying while in an inactive status.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-13)

865 IAC 1-15-14 Reactivation of inactive license

Authority: <u>IC 25-21.5-2-14</u>; <u>IC 25-21.5-8-7</u>

Affected: IC 25-21.5

Sec. 14. To reactivate an inactive license, a registered land surveyor must:

- (1) apply to the board for reactivation on the application form supplied by the board; and
- (2) pay the same fee required to renew an active license.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-14)

865 IAC 1-15-15 Reactivation if inactive for six years or less

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 15. Registered land surveyors who have been inactive for a period of six (6) years or less at the date the reactivation application is filed must either:

- (1) pass part IIB of the next regularly scheduled land surveyor examination; or
- (2) show proof of having completed twenty-four (24) hours of continuing education in accordance with section 2 of this rule, within the two (2) year period immediately prior to the date the reactivation application is filed.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-15)

865 IAC 1-15-16 Reactivation if inactive for more than six years

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5

Sec. 16. Registered land surveyors who have been inactive for a period of more than six (6) years at the date the reactivation application is filed must pass:

- (1) part IIB of the next regularly scheduled land surveyor examination; and
- (2) show proof of having completed twenty-four (24) hours of continuing education in accordance with section 2 of this rule, within the two (2) year period immediately prior to the date the reactivation application is filed.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-16)

865 IAC 1-15-17 Continuing education required after reactivation

Authority: <u>IC 25-21.5-2-14</u>; <u>IC 25-21.5-8-7</u>

Affected: IC 25-1-11; IC 25-21.5

Sec. 17. This section applies to all registered land surveyors who reactivate an inactive license by establishing the number of hours of continuing education required for the time period between reactivation and the renewal date in the table in this section in order to qualify to renew active. Registered land surveyors must complete the mandatory continuing education required in section 6 of this rule unless the requirement in the table in this section is zero (0). Additional hours of continuing education required in the following table may be met by taking courses of elective topics that meet the requirements of section 7 of this rule:

Date of Activation	Hours Required to Renew Active
August 1 to October 31 of first 12 months of license period	24
November 1 to January 31 of first 12 months of license period	21
February 1 to April 30 of first 12 months of license period	18
May 1 to July 31 of first 12 months of license period	15
August 1 to October 31 of second 12 months of license period	12
November 1 to January 31 of second 12 months of license period	9
February 1 to April 30 of second 12 months of license period	6
May 1 to July 31 of second 12 months of license period	0

(State Board of Registration for Land Surveyors; 865 IAC 1-15-17)

865 IAC 1-15-18 Reactivation of a delinquent or lapsed license

Authority: <u>IC 25-21.5-2-14</u>; <u>IC 25-21.5-8-7</u> Affected: <u>IC 25-1-8-6</u>; <u>IC 25-1-11</u>; <u>IC 25-21.5</u>

Sec. 18. (a) A registered land surveyor who wishes to reinstate an expired license must meet the continuing education requirements as provided for in IC 25-1-8-6.

- (b) A registered land surveyor who wishes to reinstate a license that has been expired for six (6) years or less must meet the continuing education requirements as provided for in sections 15 and 17 of this rule for reactivation of inactive licenses.
- (c) A registered land surveyor who wishes to reinstate a license that has been expired for more than six (6) years must meet the continuing education requirements as provided for in sections 16 and 17 of this rule for reactivation of inactive licenses.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-18)

865 IAC 1-15-19 Petitions for reduction of hours

Authority: <u>IC 25-21.5-2-14</u>; <u>IC 25-21.5-8-7</u> Affected: <u>IC 25-1-4-4</u>; <u>IC 25-1-11</u>; <u>IC 25-21.5</u> Sec. 19. Registered land surveyors may petition the board in writing for waiver of all or part of the continuing education requirements for a renewal period in accordance with IC 25-1-4-4.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-19)

865 IAC 1-15-20 Continuing education compliance

Authority: IC 25-1-4-8; IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-4; IC 25-1-11; IC 25-21.5

Sec. 20. Continuing education audits and actions regarding noncompliance will be conducted as provided for in IC 25-1-4.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-20)

865 IAC 1-15-21 Rescinding course approval

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 4-21.5-3-7; IC 4-21.5-3-8; IC 25-1-11; IC 25-21.5

Sec. 21. (a) This section applies to continuing education courses approved by the board under section 9(b) of this rule.

- (b) Upon receipt of a written complaint from a registered land surveyor regarding a continuing education course, or as a result of a report from a representative of the board attending the course as provided for in section 25 of this rule indicating noncompliance with this rule, the board, or its representative, may request one (1) or both of the following from the course provider or the instructor, or both:
 - (1) Copies of the provider's student evaluations for that course.
 - (2) Appear to answer questions regarding the course.
- (c) If after investigation the board determines that the course does not meet the requirements of this rule, approval of that course for continuing education purposes may be:
 - (1) rejected; or
 - (2) rescinded if it had otherwise been previously approved under section 9(b) of this rule.
 - (d) The course provider for any course investigated by the board shall be:
 - (1) provided a copy of any report prepared in accordance with section 25 of this rule;
 - (2) provided the results of the board's investigation; and
 - (3) entitled to a hearing as provided for in IC 4-21.5-3-7 or IC 4-21.5-3-8.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-21)

865 IAC 1-15-22 Expiration of approval

Authority: IC 25-1-4-8; IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-1-11; IC 25-21.5

Sec. 22. Continuing education courses approved by the board under section 9(b) of this rule remain approved indefinitely until or unless:

- (1) any of the items defining that course and required under section 9(b) of this rule change, in which case a provider wishing to maintain approval must resubmit course information as provided under section 9(b) of this rule; or
- (2) such approval is rescinded by action of the board under section 21 of this rule.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-22)

865 IAC 1-15-23 Course evaluations

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 23. For continuing education courses approved under section 9(b) of this rule, course providers shall conduct a written student course evaluation.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-23)

865 IAC 1-15-24 Course credit

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 24. (a) Course providers, at their discretion, may grant the following to registered land surveyors:

- (1) Partial credit in proportion to the amount of time that a registered land surveyor attended the continuing education course.
- (2) After one (1) hour of instruction, credit in one-half (1/2) hour increments.
- (b) To receive full credit for a course, a registered land surveyor must:
- (1) be present for the entire course; or
- (2) in the case of continuing education obtained by college or university courses, receive full credit for the course from that college or university.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-24)

865 IAC 1-15-25 Auditing courses by the board

Authority: IC 25-21.5-2-14; IC 25-21.5-8-7

Affected: IC 25-21.5

Sec. 25. (a) For courses approved under section 9(b) of this rule, the board reserves the right to send a representative to evaluate a course and related aspects, such as the:

- (1) facilities;
- (2) course outline:
- (3) handouts;
- (4) instructor or instructors; and
- (5) presentation:

at no cost to the board or its representative. The representative may record all or part of any presentations.

- (b) Board representatives who attend continuing education courses without paying the full fee charged by the course provider are ineligible to receive continuing education credit for those courses.
- (c) Board representatives who attend continuing education courses as provided for in this section shall prepare a written report to the board addressing compliance of the course and its instructor or instructors with this rule.

(State Board of Registration for Land Surveyors; 865 IAC 1-15-25)

SECTION 2. THE FOLLOWING ARE REPEALED: <u>865 IAC 1-13-1</u>; <u>865 IAC 1-13-2</u>; <u>865 IAC 1-13-3</u>; <u>865 IAC 1-13-3</u>; <u>865 IAC 1-13-6</u>; <u>865 IAC 1-13-6</u>; <u>865 IAC 1-13-7</u>; <u>865 IAC 1-13-9</u>; <u>865 IAC 1-13-9</u>; <u>865 IAC 1-13-10</u>; <u>865 IAC 1-13-9</u>; <u>865 IAC 1-13-9</u>; <u>865 IAC 1-13-10</u>; 865 IAC 1-13-10]

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Notice of Public Hearing

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